

REMARKS

The Official Action mailed February 3, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on May 18, 2006; July 7, 2006; and October 16, 2008.

Claims 1-23 were pending in the present application prior to the above amendment. Claims 1, 2, 5, 6, 9, 10, 13 and 14 have been amended to better recite the features of the present invention. Claims 1-4 and 8-16 have been withdrawn from consideration by the Examiner. Accordingly, claims 5, 7 and 17-23 are currently elected, of which claim 5 is independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 5, 17-20 and 23 as obvious based on the combination of U.S. Publication No. 2003/0143430 to Kawamura; Danel, "Chemical Materials," (2002), Vol. 14, Pages 3860-3865; and U.S. Publication No. 2002/0050786 to Yamazaki. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 5 recites a first electrode and a second electrode, and a first layer, a second layer and a third layer formed between the first electrode and the second electrode, wherein the first layer contains an anthracene derivative represented by a general formula (1) and a first substance that shows electron acceptability to the anthracene derivative. Claim 5 has been further amended to recite wherein the anthracene derivative represented by the general formula (1) and the first substance are mixed. This feature is supported in the present specification, for example, at page 9, lines 22-24. For the reasons provided below, the asserted prior art, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts the following (Paper No. 20090124, Pages 3-4):

Kawamura et al. discloses organic electroluminescent devices comprising a phenylenediamine derivative in a layer (in this case, the first layer of the claimed invention) between electrodes, in addition to an organic light-emitting layer (in this case, the second layer of the claimed invention) (i.e. paragraph 0011). The phenylenediamine derivative may be according to general formula (I) (see par. 11)....

The Official Action asserts that Yamazaki teaches "a third layer containing a substance having electron mobility of 10^{-6} cm²/Vs or more in an organic light emitting device" and asserts that Danel teaches "blue-emitting antrhacene diarylamines that comprise a tert-butyl group in the 2-position of the antrhacene" (Paper No. 20090124, Page 4). Claim 5 recites "wherein the first layer contains an anthracene derivative represented by a general formula (1) and a first substance that shows electron acceptability to the

anthracene derivative." The Official Action is silent with respect to "a first substance that shows electron acceptability to the anthracene derivative." Therefore, the Official Action has not demonstrated that the asserted prior art teaches or suggests every limitation of the claimed invention, and a *prima facie* case of obviousness has not been established. In any event, Kawamura, Yamazaki, and Danel do not disclose a first substance as claimed.

Moreover, claim 5 has been amended to recite that the anthracene derivative and the first substance are mixed. It is respectfully submitted that Kawamura, Yamazaki and Danel, either alone or combined, do not teach or suggest this limitation.

Since Kawamura, Yamazaki and Danel do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

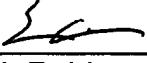
In addition, the Official Action rejects dependent claims 7 and 21 as obvious based on the combination of Kawamura, Danel, Yamazaki and U.S. Publication No. 2001/0025956 to Bohler and further rejects dependent claim 22 as obvious based on the combination of Kawamura, Danel, Yamazaki and U.S. Publication No. 2003/0062520 to Toguchi. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

Please incorporate the arguments above with respect to the deficiencies in Kawamura, Danel and Yamazaki. Bohler and Toguchi do not cure the deficiencies in Kawamura, Danel and Yamazaki. The Official Action relies on Bohler and Toguchi to allegedly teach the features of the dependent claims. However, Kawamura, Danel, Yamazaki, Bohler and Toguchi, either alone or in combination, do not teach or suggest a first electrode and a second electrode, and a first layer, a second layer and a third layer formed between the first electrode and the second electrode, wherein the first layer contains an anthracene derivative represented by a general formula (1) and a first substance that shows electron acceptability to the anthracene derivative and wherein the anthracene derivative represented by the general formula (1) and the first substance are mixed. Since Kawamura, Danel, Yamazaki, Bohler and Toguchi do not teach or

suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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